

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Commerce, Public Policy and Interstate Cooperation, to which was referred House Bill No. 1305, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 4, delete lines 21 through 24, begin a new line block indented
- 2 and insert:
- 3 **"(1) not later than March 1 of each year for payments**
- 4 **received in the preceding calendar year; or**
- 5 **(2) not later than March 1 of each year for nonmonetary**
- 6 **transfers in the preceding calendar year."**
- 7 Page 5, between lines 25 and 26, begin a new paragraph and insert:
- 8 "SECTION 4. IC 25-15-9-8 IS AMENDED TO READ AS
- 9 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. The board shall do
- 10 the following:
- 11 (1) Adopt rules under IC 4-22-2 to do the following:
- 12 (A) Establish standards for the sale and payment of funeral or
- 13 burial services or merchandise in advance of need.
- 14 (B) Establish the terms of contracts authorized under
- 15 IC 30-2-13.
- 16 (C) Implement IC 30-2-13.
- 17 **(D) Implement IC 23-14-48.5.**
- 18 (2) Register and issue certificates to sellers of merchandise or
- 19 services under IC 30-2-13.
- 20 (3) Determine compliance with this article by persons engaged in
- 21 the sale and payment of funeral or burial services or merchandise

- 1 in advance of need under IC 30-2-13.
- 2 (4) Investigate any complaint alleging a violation of IC 30-2-13.
- 3 (5) Set fees under IC 25-1-8.
- 4 (6) For a violation of this article or IC 30-2-13 by a person
- 5 engaged in the sale and payment of funeral or burial services or
- 6 merchandise in advance of need under IC 30-2-13, if necessary,
- 7 take any combination of the following actions:
- 8 (A) Issue an appropriate order to correct the violation.
- 9 (B) Suspend the seller's certificate of authority.
- 10 (C) Permanently revoke the seller's certificate of authority.
- 11 (D) Censure the seller.
- 12 (E) Issue a letter of reprimand to the seller.
- 13 (F) Place the seller on probation.
- 14 (G) Assess a civil penalty against the seller in an amount not
- 15 to exceed one thousand dollars (\$1,000) for each violation,
- 16 except for a finding of incompetency due to a physical or
- 17 mental disability. When imposing a civil penalty, the board
- 18 shall consider the seller's ability to pay the amount assessed.
- 19 If the seller fails to pay the civil penalty within the time
- 20 specified by the board, the board may suspend the seller's
- 21 certificate of authority without additional proceedings.
- 22 However, a suspension may not be imposed if the sole basis
- 23 for the suspension is the seller's inability to pay a civil penalty.
- 24 (H) Refer the matter to the attorney general or prosecuting
- 25 attorney for enforcement.
- 26 (7) In addition to any actions taken under subdivision (6),
- 27 permanently revoke a seller's certificate of authority, if the seller
- 28 demonstrates a pattern or practice of violating the following
- 29 provisions:
- 30 (A) The requirement under IC 30-2-13-12 that all property
- 31 paid or delivered to fund a contract for prepaid services or
- 32 merchandise be irrevocably deposited to trust or escrow thirty
- 33 (30) days after the contract is signed.

- 1 (B) The prohibition against knowingly inducing a purchaser to
- 2 breach an existing contract under IC 30-2-13-13(e)."
- 3 Renumber all SECTIONS consecutively.
(Reference is to HB 1305 as reprinted February 20, 2007.)

and when so amended that said bill do pass .

Committee Vote: Yeas 9, Nays 0.

Senator Becker, Acting Chairperson